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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID E. McCLAIN,

Plaintiff,

-against-

THE UNION CENTRAL LIFE INSURANCE
COMPANY,

Defendant.
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Index No. 07-cv-5947 (GAY)

STIPULATION OF DISCONTINUANCE

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IT IS HEREBY STIPULATED, ORDERED and AGREED that plaintiff hereby voluntarily and without prejudice to recommence discontinues and dismisses the above entitled action, and this action is hereby dismissed and discontinued without prejudice to plaintiff to commence another action arising out of the same facts and circumstances of this action against the above named defendant in state court.

No parties are responsible for costs of this action as against the other.

Dated: Goshen, New York
October 3, 2007

FOULKE LAW OFFICES
Attorneys for Plaintiff

By:

Evan M. Foulke
Evan M. Foulke, Esq.

Attorneys for Plaintiff
1997 Route 17M
P.O. Box 239
Goshen, New York 10924
845-294-4308

RIVKIN RADLER, LLP
Attorneys for Defendant

By:

Norman L. Telle
Norman L. Telle, Esq.

Attorneys for Defendant
926 Reckson Plaza
Uniondale, NY 11556-0926
516-357-3000

SO ORDERED:

Charles L. Brieant

Hon. Charles L. Brieant, U.S.D.J.

dated October 5, 2007